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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,537	12/30/2003	Brian R. Trego	087522-785-329	8563
28104	7590	04/15/2005	EXAMINER	
JONES DAY 77 WEST WACKER CHICAGO, IL 60601-1692			EDELL, JOSEPH F	
			ART UNIT	PAPER NUMBER
			3636	
DATE MAILED: 04/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/748,537	Applicant(s) TREGO ET AL.	
	Examiner Joseph F Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-18,21-30 and 34-39 is/are rejected.
- 7) ☒ Claim(s) 6,7,19,20 and 31-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 04 January 2005. These drawings are unacceptable. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the guide mounted to the fastener and engaging the walls of the slot must be shown or the feature(s) canceled from the claim(s). Note, Examiner is interpreting the guide recited in claims 4, 17, and 30 as referring to reference numerals 56,58. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: page 5, lines 3-16 details co-pending patent applications but fails to specify the patent application numbers.

Appropriate correction is required.

Claim Objections

3. Claims 1, 8-11, 14, 19, and 21-24 are objected to because of the following informalities:
- a. claim 1, line 5, "be" should read --being--;
 - b. claim 8, line 2, "a projection" should read --at least one first projection--;
 - c. claim 8, line 3, "a recess" should read --a first recess--;
 - d. claim 9, line 2, "said recess" should read --said first recess--;
 - e. claim 10, line 3 and lines 3-4, "said at least one projection" should read --said at least one first projection--;
 - f. claim 11, line 2, "at least one projection" should read --at least one second projection--;
 - g. claim 11, line 3, "a recess" should read --a second recess--;

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- h. claim 12, line 2, "said at least one projection" should read --said at least one second projection--;
- i. claim 14, line 6, "maining" should read --maintaining--;
- j. claim 19, line 3, "guide means" should read --guide--;
- k. claim 21, line 2, "a projection" should read --at least one first projection--;
- l. claim 21, line 3, "a recess" should read --a first recess--;
- m. claim 22, line 2, "said recess" should read --said first recess--;
- n. claim 22, line 2, "said at least one projection" should read --said at least one first projection--;
- o. claim 23, line 3 and lines 3-4, "at least one projection" should read --at least one first projection--;
- p. claim 24, line 3, "at least one projection" should read --at least one first projection--;
- q. claim 24, line 3, "at least one recess" should read --at least one second recess--;
- r. claim 25, line 2, "said at least one projection" should read --said at least one second projection--;
- s. claim 34, line 2, "a projection" should read --a first projection--;
- t. claim 34, line 3, "a recess" should read --a first recess--;
- u. claim 35, line 2, "said projection" should read --said first projection--;
- v. claim 35, line 2, "said recess" should read --said first recess--;
- w. claim 36, line 2, "at recess" should read --a first recess--;

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- x. claim 36, line 2, "a projection" should read --a first projection--;
- y. claim 36, lines 3-4, "a slot" should read --a first slot--;
- z. claim 36, line 5, "said slot" should read --said first slot--;
- aa. claim 37, line 2, " a projection" should read --a second projection--;
- bb. claim 37, line 4, "a recess" should read --a second recess--;
- cc. claim 37, line 5, "projection" should read --second projection--;
- dd. claim 38, line 2, "a slot" should read --a second slot--;
- ee. claim 38, line 4, "said slot" should read --said second slot--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 8-18, 21-30, and 34-39 are rejected under 35 U.S.C. 102(b) as being anticipated by EP Patent No. 0 958 765 A2 to Feldotto.

Feldotto discloses an armrest assembly that includes all the limitation recited in claims 1-5, 8-18, 21-30, and 34-39. Feldotto shows an armrest assembly having a mounting member 2 (Fig. 3) connected to a chair and including an upper base 5 (Fig. 2), a first horizontal slide element 30 (Fig. 3) slidably mounted to the upper base such that the first slide element being adjustably slidable in a first direction with respect to the

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upper base and restrained after adjustment with respect to the upper base by frictional engagement between the upper base and the upper base and the first slide element, a second horizontal slide element 10 (Fig. 3) *capable* of slidably mounting to the first slide element and slidable in a second direction perpendicular to the first direction and restrained after adjustment with respect to the first slide element by frictional engagement between the second slide element and the first slide element, a slot 33 (Fig. 3) formed in the first slide element that is directed along the first direction, at least one fastener receiving opening (Fig. 3) in the upper base, at least one fastener 15.1, 15.2 (Fig. 3) received in the slot and in the fastener receiving opening, a guide 8, 9 (Fig. 3) *capable* of directing sliding movement of the first slide element with respect to the upper base, at least one first projection (Fig. 3) of the guide extending upwardly from the upper base and engaging at least one first recess (Fig. 3) formed in the first slide element, at least one second projection 31 (Fig. 3) on an upper surface of the first slide element engageable with at least one second recess 11 (Fig. 3) formed in a lower surface of the second slide element, a second slot (Fig. 3) in the second slide element that is disposed in the second direction, a fastener 38 (Fig. 3) disposed through the second slot and received by the first slide element, and an armrest cover 20 (Fig. 3).

Allowable Subject Matter

6. Claims 6, 7, 19, 20, and 31-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to armrest assemblies:

U.S. Pat. No. 5,931,536 to Wu

U.S. Pat. No. 6,773,071 B1 to Stasney et al.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe Edell
April 12, 2005